

Commissioner for Patents  
Application Serial No. 10/521,626  
April 17, 2009  
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## REMARKS

### I. Summary of the Examiner's Action

#### A. Claim Rejections

As set forth on page 2 of the January 13 Office Action, claims 1, 3 – 6, 8 – 11 and 13 - 15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Application Publication No. 2003/0046401 to Abbott *et al.* (hereinafter “Abbott” or “the Abbott application”).

As set forth on page 5 of the January 13 Office Action, claims 2, 7, 12 and 16 - 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Abbott as applied above and further in view of United States Patent No. 6,208,336 to Carter *et al.* (hereinafter “Carter” or “the Carter patent”).

As set forth on page 6 of the January 13 Office Action, claims 5, 10 and 15 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement.

These rejections are respectfully disagreed with, and traversed below.

II. Applicant's Response – Claim Rejections

A. Rejection of Claims 1, 3 – 6, 8 – 11 and 13 – 15  
Under 35 U.S.C. § 102(e)

Applicants reproduce claim 1 here as a convenience to the Examiner (emphasis added):

1. A method performed by an apparatus, the method comprising:

maintaining a profile of voice user interface capabilities associated with the apparatus, wherein the profile includes at least one setting related to voice interaction dialogue with a user, said at least one voice interaction dialogue setting including at least a speech recognition verification-related setting;

storing an application having voice user interface features on the apparatus or downloading an application having voice user interface features from a server in communication with the apparatus;

examining at least part of the profile; and

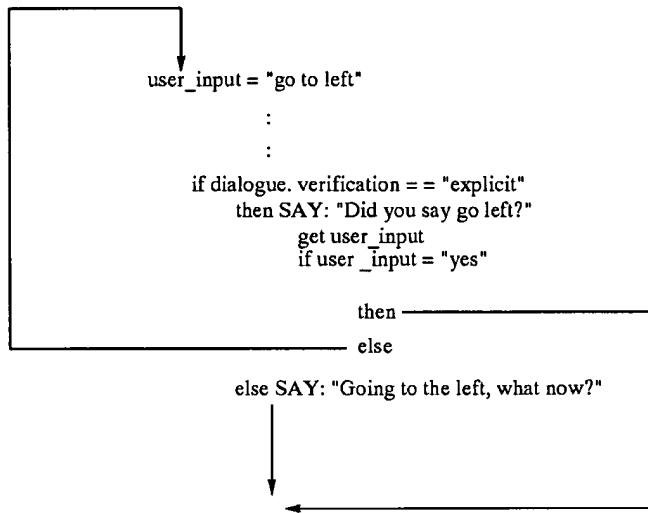
using voice user interface features of the application which are appropriate to the profile and refraining from using inappropriate features.

Applicants submit that Abbott neither describes nor suggests the emphasized subject matter of claim 1.

In particular, claim 1 has been amended to recite “maintaining a profile of voice user capabilities associated with the apparatus, wherein the profile includes at least one

setting related to voice interaction dialogue with a user, said at least one voice interaction dialogue, related to voice interaction dialogue with a user, said at least one voice interaction dialogue setting including at least a speech recognition verification-related setting ..." The operation of this aspect of Applicants' invention is described at, for example, page 7, line 21 – page 8, line 12 reproduced here:

"However, there are also instructions which require recourse to the voice UI profile. The following, given at algorithmic level rather than in any programming language, is an example of this:



As can be seen, certain instructions are decisions which require input from the voice UI profile. In the above illustration, the CPU 13 must determine whether the dialogue verification capabilities require explicit verification. Since the MS 11 does not require explicit verification (see the dialogue section of the profile above), the CPU 13 users TTS to ask a user 'Did you say go to left?' and follows the instructions on the remainder of that sub-branch of the application. If this same application was run on an MS (not shown) which did not require explicit verification, then the sub-branch including the instruction to say 'Did you say go to

left?’ would not be implemented. Instead, the instructions to say ‘Going to left, what now?’ would be implemented, whereas this would not be the case with the MS11.”

Applicants respectfully submit that Abbott shows no appreciation for such modes of operation.

Accordingly, Applicants respectfully that the rejection of claim 1 be withdrawn. Applicants submit that independent claims 6 and 11 are allowable for reasons similar to those set forth above with respect to claim 1. As a result, Applicants request that the rejection of independent claims 6 and 11 be withdrawn as well. Applicants further submit that the dependent claims are allowable as depending from an allowable base claim.

B. Rejection of Claims 2, 7, 12 and 16 - 17  
Under 35 U.S.C. § 102(e)

Applicants have cancelled claims 16 – 17 thereby mooting the rejection of the application on this basis. Further, Carter does not remedy the above-identified limitations of Abbott. As a result, dependent claims 2, 7 and 12 are allowable both as depending from an allowable base claim and for reasons having to do with their independently-recited features.

C. Rejection of Claims 5, 10 and 15  
Under 35 U.S.C. § 112, first paragraph

Applicants submit that the lengthy description, flowcharts and apparatus descriptions, along with the relative technical skillfulness of one of ordinary skill in the art would enable one of ordinary skill in the art to practice the invention without undue experimentation. For example, the description at page 10, line 18 - page 11, line 26 provides a concrete example of the subject matter recited in claims 5, 10 and 15. Further, the Examiner has not made a specific, and required, factual finding as to why the subject matter of claims 5, 10 and 15 would require undue experimentation on the part of one skilled in the art. If the Examiner persists in this rejection, Applicants request that the Examiner make such a specific factual finding supporting why the Examiner believes that one of ordinary skill in the art could not practice Applicants' invention without undue experimentation. If the Examiner declines to make such a finding, Applicants submit that the rejection of the claims on this basis must be withdrawn.

D. New Claims 19 - 28

Applicants have added new claims 19 – 28. Applicants submit that the subject matter of the new claims 19 – 28 is neither described nor suggested by the art of record. Applicants respectfully request that these claims be allowed.

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III. Conclusion

The Applicant submits that in light of the foregoing remarks the application is now in condition for allowance. Applicant therefore respectfully requests that the outstanding rejections be withdrawn and that the case be passed to issuance.

Respectfully submitted,

April 17, 2009

Date

David M. O'Neill (35,304)

David M. O'Neill (35,304)  
Customer No.: 29683  
HARRINGTON & SMITH, PC  
4 Research Drive  
Shelton, CT 06484-6212  
Telephone: (203) 925-9400  
Facsimile: (203) 944-0245  
Email: DOneill@hspatent.com

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